

## **REMARKS/ARGUMENTS**

By the *Office Action* of 16 October 2007, Claims 1-2, 4-17, and 19 are pending in the Application. All pending Claims are rejected. Applicant thanks the Examiner with appreciation for the careful consideration and examination.

By the present *Response and Amendment*, Claims 1-2, 4-17, and 19 remain pending in their previous forms.

Applicant submits this *Response and Amendment* solely to facilitate prosecution. As such, Applicant reserves the right to present new or additional Claims in this Application that have similar or broader scope as originally-filed. Applicant also reserves the right to present additional Claims in a later-filed continuation application that have similar or broader scope as originally-filed. Accordingly, any amendment, argument, or Claim cancellation is not to be construed as abandonment or disclaimer of subject matter.

No new matter is believed introduced by this submission. It is respectfully submitted the present Application is in condition for allowance for at least the following reasons:

### **1. Pending Claims**

In the 4 June 2007 *Office Action*, Claims 1-2 and 4-17 were objected to. To advance the case to allowance, Applicant rewrote those claims in independent form including all limitations of the base Claims and all intervening Claims. Additionally, Claim 19 was rewritten to depend from the amended independent Claim 1. The remaining Claims were canceled. As a result, Applicant believed the Application to be allowable.

By the 16 October 2007 *Office Action*, Claims 1-2, 4-17, and 19 remain pending. All the Claims ultimately depend from the sole independent Claim, Claim 1, and all are currently rejected. Applicant respectfully traverses this rejection.

### **2. Claim Rejections Under 35 U.S.C. § 103**

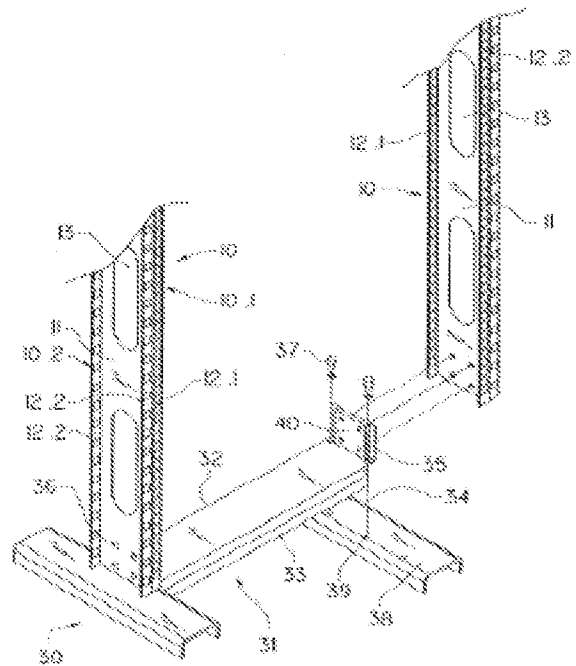
Claims 1-2, 6-17, and 19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application No. 2003/0001825 to Omura et al. (“Omura”) in view of U.S. Patent No. 6,702,125 to Hartel. Claims 4-5 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Omura in view of Hartel, and further in view of U.S. Patent No. 5,300,943 to Jakobs et al. (“Jakobs”). The *Office Action* of 16 October 2007 presents Hartel as a new cited reference.

Applicant respectfully traverses the present rejections because Hartel fails to disclose recited features of the claimed invention of Claim 1 missing from Omura, and thus the combination of Omura with Hartel does not present a *prima facie* case of obviousness. Specifically, Hartel fails to disclose: A) “the positioning element providing for a continuous level of vertical adjustment”; and B) “the position locking element for the releasable locking of the interactive display at the desired height,” which are recited in independent Claim 1.

**A. The Cited Combination Fails to Disclose a Continuous Level of Adjustment**

The Examiner admits that Omura fails to disclose “the positioning element providing for a continuous level of vertical adjustment,” as recited in independent Claim 1. The Examiner alleged Hartel discloses this limitation. Applicant respectfully disagrees. Hartel merely discloses discrete vertical positions at which a display can be mounted. Specifically, Hartel discloses notches, or “attachment receivers,” for receiving a horizontal display.

Each notch is spaced a predetermined distance from an adjacent notch. The set of notches thus define discrete vertical positions at which the display can be mounted, making the claimed invention patentably distinct from the cited reference, as the claimed invention recites continuous, not discrete, adjustment. According to Hartel, “[e]ach of the profiled legs 12.1, 12.2 has a row of attachment receivers. The attachment receivers *are spaced apart from each other* in identical division patterns.” (Hartel, col. 3, ll. 18-20.) Fig. 5 of Hartel, which figure is reproduced herein, shows the discretely spaced notches 12.1, 12.2. In Hartel, the display can only be mounted at the notches. As the Hartel display cannot be mounted at the areas between the notches, no “continuous level of adjustment” is disclosed.



Hartel does not teach or disclose a continuous (non-discrete) level of vertical adjustment. Further, Omura, Hartel, Jakobs, and the combination thereof, each fail to disclose a continuous level of vertical adjustment, as recited in independent Claim 1. For at least this reason,

Applicant respectfully submits that independent Claim 1 and all claims dependent therefrom are patentable over the cited references and are in condition for allowance.

### **B. The Cited Combination Fails to Disclose Releasable Locking of the Display**

The Examiner admits that Omura fails to disclose “the position locking element for the releasable locking of the interactive display at the desired height,” as recited in independent Claim 1. The Examiner alleges Hartel discloses this limitation. Applicant respectfully disagrees.

Hartel, according to the Examiner’s interpretation, discloses “the position locking element for the releasable locking of the *frame*” (emphasis added). Applicant respectfully submits that independent Claim 1 does not recite releasable locking of the *frame*, but of the “interactive display at the desired height.” No assertion is made in the *Office Action* that such a releasable locking of the display is disclosed in Hartel, nor does Hartel provide such disclosure. Indeed, Hartel discloses no locking of the display and, further, no *releasable* locking of the display *at a desired height*. Hartel discloses only the fastening of the vertical supports to the base of the frame, and such fastening cannot occur at a “desired height.”

Hartel does not teach or disclose releasable locking of the interactive display at a desired height. Further, Omura, Hartel, Jakobs, and the combination thereof, each fail to disclose releasable locking of the interactive display at a desired height, as recited in independent Claim 1. For at least this reason, Applicant respectfully submits that independent Claim 1 and all claims dependent therefrom are patentable over the cited references and are in condition for allowance.

### **C. Conclusion**

For at least the above reasons, Applicant respectfully submits that independent Claim 1 is patentably distinct from a combination of the cited references and is in condition for allowance. Additionally, Applicant respectfully submits that the Claims ultimately dependent from Claim 1 (*i.e.*, Claims 2, 4-17, and 19) are also in condition for allowance for the reasons stated above, and for the further limitations contained therein. Thus, Applicant submits that all the pending Claims are patentably distinct from the cited references.

### **3. Fees**

This *Response and Amendment* is being filed within six months of the *Office Action*, and more specifically within five months. The five month due date for the present *Response and Amendment* was 16 March 2008, which fell on a Sunday. This *Response and Amendment* is

being filed on the next business day, that is, Monday, 17 March 2008. (*See* 37 C.F.R. § 1.7.) A two-month extension of time fee is believed due, and paid with this submission.

The number of Claims remains less than those paid for upon filing, so no Claim fees are believed due.

Authorization to charge Deposit Account No. 20-1507 is hereby expressly given for all fees deemed due.

## **CONCLUSION**

By the present *Response and Amendment*, Claims 1-2, 4-17, and 19 are pending in the Application for examination purposes. Should the Examiner have any further questions or reservations, the Examiner is invited to telephone the undersigned Attorney at 404.885.3340.

Respectfully submitted,

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on **17 March 2008**.

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